

COLUSA COUNTY
PESTICIDE USE ENFORCEMENT
WORKPLAN
01-01-2011 THRU 12-31-2012

A. Restricted Materials Permitting

Permit Evaluation

Permits for restricted materials(RMP) are issued to the operator of the property to be treated or documented representative with a letter of authorization as per California Code of Regulations Chapter 3 section 6420. Approximately 90% of permits are scheduled on appointment basis and more time is allotted if the operator requires the Private Applicator Certification (PAC) test to be taken. The PAC test takes 1 hour and the permit takes 1 hour unless it is a multi- crop permit with employees handling pesticides. The PAC is valid for 3 years and Biologists will check to assure they are valid before the permit is issued. There is a determination before issuing a RMP, whether an Operator Identification Number(OIN) will suffice for the material the person wishes to purchase and use or if he/she needs an RMP. RMP's are issued for a period of one year or less with the expiration date of December 31st of the calendar year in which they are issued. Renewal of annual RMP begins in mid December for the new year. RMP's are only given to persons that have a current private applicator certification card or possess a valid Qualified Applicator Certificate(QAC) or Pest Control Advisor(PCA) license from Department of Pesticide Regulation(DPR). Besides the owner/operator, the permit can be issued to an authorized agent of the operator if there is a signed authorized representative form on file with all signatures applicable. RMP's and OIN's are always entered into the RMPP permit database , printed and signed and given copies to give to their pesticide dealers and pest control businesses. Pesticide handouts that are given to the growers are as follows: NOI log and instructions, County Restricted Material Conditions, County Worker Protection Standards(WPS) checksheet, Pesticide Safety Information Series(PSIS) A or N, California Restricted Materials list, Written Pesticide Training Program forms, leaflets on field worker requirements and applicator requirements and applicable use report forms that are needed by the operator. Permittees' use report history and whether employees handle pesticides are criteria that are considered before issuing the permit. Also , signed by the permittee after reading is a refresher handout of the current laws and regulations in both field worker and mixer-

loader- applicator areas. A Continuing Education(C.E.) training session will be held in early December of every year for grower PAC's that need more C.E. hours to renew their card. All production agricultural permits are site specific and detailed maps of these sites are reviewed by the licensed biologists for any hazardous areas (human health or environmental). Permit changes that are minor (eg. acres) can be done by phone, but any major changes (ie. sites, chemicals) will require permittee to sign and receive copies of the amended permit. Pesticide specific conditions are issued for phenoxy's, Clincher, Regiment and Propanil herbicides to help prevent drift occurrences to crops such as grapes, prunes, cotton, vine seed crops as well as urban/rural settings. Also, given to the growers are General Drift Minimization measures as recommended permit conditions that will be required to adhere to prevent environmental damages. The classifying of Regiment and Clincher as permit material for applications on rice fields have increased NOI's tremendously for Colusa County. All restricted material applications must have a written pesticide recommendation before an NOI is submitted(PCB jobs) and application is made. We do not require that recommendations be sent to our office but that they have to be in the possession of the Pest Control Business(PCB) and/or Operator before the NOI is made. Pest Control Advisors and growers indicate on a recommendation that they have considered feasible, reasonable, and effective mitigation measures before using pesticides. Non-ag permit applications are always entered into the RMPP database in our computers and only completed by licensed staff. Permits are evaluated, to determine if a substantial adverse environmental impact may result, at the time of issuance and if/when the notice of intent (NOI) is received. Included in the permit process are additional permit conditions that are given to the grower concerning drift. A permit or NOI is approved or denied by licensed staff and can be conditioned to mitigate any hazards known to exist. All permit and NOI denials will be documented and counted in the Pesticide Regulatory Activities Monthly Report(PRAMR) for that month. All permit denials will be based upon evaluation of information submitted with the permit application and will address due process. These actions should follow the review and appeal process outlined in the Food and Agriculture Code section 14009. Appropriate mitigation considerations include but are not limited to the knowledge of local conditions, pest management guidelines, restricted material hazard chart, pesticide safety information series, local permit conditions and Food and Agriculture regulations (including sections 6443 and 6450 through 6489).

The NOI is recorded on the appropriate form and includes required information including, but not limited to: date of intended application, site and permit number, method of application including dilution, volume per acre, dosage, name of pest control business (if applied by a PCB) and the operator of the property that is using the pesticide. The NOI's can be faxed in, phoned in on the NOI answering machine, submitted in person or emailed in thru the internet. These NOI's are transcribed 98% of the time by licensed Ag. Biologists.(AB) The weekend NOI's are taken during the busy season by the AB that is scheduled and on duty on that weekend. They will work a minimum of 4 hours on weekends in pesticides. NOI's submitted with less than 24 hour prior notice can be approved by licensed staff if it determines that effective control cannot be obtained if the application is delayed or that 24 hours are not necessary to adequately evaluate the intended application. Depending on pesticide materials used(i.e. Propanil

aerial application) buffer zones or regulations, sometimes a 48 hour NOI is required so as to give the Colusa County Dept. of Agriculture(CDDA) sufficient time to check all sensitive applications and/or to allocate acres to operators in specific zones of the county. This determination is noted on the permit or NOI.

The submittal of pesticide use reports (PUR's) is required for the use of all pesticides applied in Colusa County and that have an EPA Registration Number on the label. In the case of growers this is required on a monthly basis(by the 10th of the following month) and for pest control businesses it is required within 7 days after application occurs. They can submit the PUR's by mail, fax, in person or electronically thru Agrian, California Data Management Systems(CDMS) or California Electronic Data Transfer System (CEDTS). These electronic measures have increased our efficiency and timeliness of data entry to CDPR tremendously.

Site Monitoring

There are 6 licensed staff including the Assistant Agricultural Commissioner(AAC) who will log and review approximately 3,100 NOI's. There will be a new AAC hired within the office in June 2011, so there will be a new biologist hired that will need to go thru training and pass his pesticide use enforcement test with CDFA before issuing RMP's or doing inspections on his/her own. The requirement of 5% of the total NOI's submitted to our office with pre application site inspections was met in all previous year in the workplan. Individual site monitoring will include evaluation of the basis for the intended application including toxicity of material, environmental concerns i.e. endangered species, buffer zone areas, ground water protection areas, problem areas identified from previous years, Section 18 registrations, and the written recommendation. All noncompliances detected in the field will have a follow-up inspection completed within 30 days to assure compliance. Non-compliance documents are kept in permit holder files to address non-compliance history and increased monitoring needs if a recalcitrant behavior is being exhibited and is documented by inspections and audits.

RESOURCES

County Resources - In CY 2010, Colusa County had 5 AB's and the AAC that work in the pesticide program at varying percentages in their job responsibilities. There were a total of 4,439 hours expended within the scope of the pesticide program for CY 2010. The AAC spends 25% of his time in Pesticide Use Enforcement(PUE), 4.0 Ag. Biologist III's spend 35% in PUE and the Pesticide Supervisor Ag. Biologist III spends 50% of his time in PUE.

- Workload expectations for CY 2011 and CY2012 include:
50 operator identification numbers, 1100 restricted materials permits(including permit updates), 40 non-ag permits, a minimum of 3,000 NOI's, all of which must be documented, reviewed and approved or denied by licensed staff.

Strengths

There are 5 Ag. Biologists that are experienced and have knowledge of local conditions. This will help in reducing the environmental impacts to applications made in the county. The newly hired biologist will need time to pass state certification before he can work out from underneath an existing biologist.

With a small population in the county, there is a low incidence rate between the ag-urban settings.

Restricted Material Permits are issued for one year which will help keep the permittees in line with current regulations and lower the number of noncompliances

The use of e-use reporting with Agrian, CDMS, and CEDTS has made great gains in accomplishing 100% use reporting in the county.

Since the changeover to the new permit program, CalAg Permits, is not yet completed, we will stay on the RMPP program and do not have our fields in a GIS based digitized form on the computers. CalAg Permits is slated to be installed in July 2011.

With a small staff, we work together in solving problems that arise during the season.

Weaknesses

Since losing 1 AB in 2007 and this year the retirement of the AAC and recruitment of a noncertified biologist, there will be a lack of manpower/experience in the busy season when doing field inspections of growers and PCB applications and issuing permits, etc. We will address this by adjusting the workload and setting priorities. We will continue to update RMP's that have old pesticides on the permit which are not used anymore by the permittees. The AAC will keep staff on task and on schedule to ensure that our goals are met.

Goals and Objectives

Colusa County is committed to implementing appropriate measures in this area that ensure a site-monitoring plan that takes into consideration pesticide hazards, local conditions, weather patterns, cropping and field work patterns that are unique with our county. Every day, AB's are scheduled to log NOI's and assure that all potentially hazardous areas of applications of restricted materials are evaluated and mitigated. We will consider the differing pesticide characteristics widely used (i.e. Phenoxy herbicides, Propanil, Regiment, Clincher, Gramoxone, Roundup, Propanil, Thiobencarb.) of the pesticide classes used and its relationship to risks to the environment and human health.

Also we will review comprehensively the permittees , locations and pesticides used at permit issuance . AB's will be more indepth when issuing restricted material permits with the permittee to help in decreasing noncompliances in the field. The data entry of use reports is very efficient since the usage of electronic means and will continue to maximize our efforts in being as accurate as possible in pesticide usage in our county.

Areas Needing Improvement

Areas for possible review and improvement are non-compliance history documentation , inspection follow-up and worker safety program audits of private applicators looking for sustainable compliance in all cases. During the permit process , the need to review site maps for surrounding hazards and updating to new GIS maps , updates of phone numbers and addresses, assessing the different pesticide needs for each crop on the permits and taking extra time working with operators with employees to assure compliance with the worker safety regulations are all areas of improvement. We will do this by scheduled staff meetings every Monday at 8a.m. in the busy season to review all areas that need addressing and for the AAC to listen to the Biologists for their input and adapt the program/schedule if necessary.

Deliverables

- 1: Colusa County will initiate changes when needed to improve the program throughout the year and AAC will insure that AB's implement them.
- 2: Enforce all Laws and Regulations fairly and follow DPR guidelines with input from Enforcement Branch Liaison(EBL).
- 3: Ensure that all Ground Water Protection Areas are tracked for pesticide use and all applicable laws are adhered to.
- 4: AB's will evaluate all NOI's and noted hazards to avoid adverse environmental impacts.
- 5: Approve, deny, or condition restricted material permits as necessary by appointment and as walk-ins.
- 6: Record and evaluate NOI's for all applicable requirements by licensed staff.
- 7 : Issue permits and review for completeness and accuracy with special emphasis on new GIS mapping for site locations and cleanup permits by deleting old pesticides not used anymore from the permit.
- 8: AAC will once a year complete ridealong evaluations on all AB'S to assure that they are following all of the protocol that is required of them in completing inspections in the field correctly.
- 9: Address problem areas with training, timelines and follow-up reviews in a timely manner and adapt the PUE workplan to correct these deficiencies on a quarterly basis.

Measure of Success

Periodically evaluate permitting process for deficiencies and change process in certain areas if there is not a quality element present.

Achieving Environmental Justice and having a transparent pesticide program Reviewing permits, non-compliances, PRAMR, discuss these with licensed staff and EBL to make sure environmental and human concerns are considered will be a measure of success.

We did reach our target goal of 200 inspections for the rice monitoring program assuring water quality protection in the use of Thiobencarb is a good measure of success.-

In reviewing CY 2010 we exceeded our minimum of 5 % NOI pre-application sites inspected and documented.

B. Compliance Monitoring

Comprehensive Inspection Plan

The inspection program evaluation for Colusa County reveals that 100% of our Grower and Pest Control Business Headquarters Safety Inspections are scheduled. They are randomly chosen unless prior history and or usage dictates reinspection. These scheduled inspections comprise 10% of our total inspection workload. The remaining 90% of our inspection activities are more random and focus on applications/inspections during periods of increased pesticide usage, for example during fallow/preplant sprays, fungicide and insecticides and rice growing season herbicides.

Inspections are performed by 6 licensed staff during business hours Monday thru Friday and from 8-12 am on weekends during the busy rice herbicide season. During the busy season (March – July) 80% of the inspections are completed. Audit inspections are done in winter months except for audits that are following a noncompliance issue, illness investigation or drift problem.

In CY's 2011 / 2012 there will be an emphasis to follow-up on the increase in the grower noncompliances by more in-depth training on worker safety requirements at permit issuance.

Strengths

Permits are issued annually and updated throughout the year when needed by the grower for new crops, sites, pesticides and environmental hazards that exist. Enforcement districts are assigned unofficially to biologists allowing them to become familiar with pesticide usage, hazardous areas or problem growers and cropping patterns in those areas so that the AB's will be more able to prevent any environmental/ human health situations.

Knowledge of experienced AB's for increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, wildlife areas, greenhouses, residential areas, waterways and sensitive crops.

An annual review of files effectively identifying non-compliances during the prior year.

AAC involvement with staff on inspections and the quality and consistency of those inspections will stay at a high level.

Weaknesses

The need for AB's to certify fields for Phytosanitary Inspections during the busy rice season makes it difficult to conduct more pesticide inspections when they are needed.

Areas Needing Improvement

Assuring uniform completion of inspection forms and interpretation of the laws in the field by AB's. Staff meetings weekly will help us maintain uniformity. Increased inspections of grower pesticide applications to check the compliance rate and continue to monitor them.

Goals or Objectives

Colusa County's main goal is to reduce risks to humans and the environment by increasing the level of compliance in regards to pesticide laws and regulations. Special focus will be placed on areas of non-compliances identified during property operator headquarters safety inspections. To be in the field at all times of the year when pesticides are being applied to assure that our compliance monitoring program is effective at discovering violations and correcting them to avoid future noncompliances.

Deliverables

1. Maintain monitoring of agriculture/urban pesticide applications to ensure safety to residences, schools and businesses.
2. Conduct and document 200 rice field waterhold inspections to assure that no illegal water releases occur and to insure compliance with the waterholding requirements for the rice pesticide uses.
3. Schedule staff to accommodate when most rice pesticide applications are made to ensure worker safety requirements, permit conditions and all application requirements are complied with.
4. When multiple violations are discovered during application inspection activities, headquarters inspections will be performed within 30 days to avoid continued non-compliance. Also, when violations are of a serious nature (human or environmental exposure) there will be a headquarter audit completed.

5. The AAC will perform random “oversight inspections” as the need arises with all licensed AB’s to insure completeness, accuracy and uniformity with respect to pesticide inspections and filling forms out correctly.

Based on our inspection program evaluation the following inspection goals were determined:

PRE-APP	5%
MIX & LOAD	
PROP. OPERATORS	20
BUSINESSES	28
HDQTRS EMPLOYEE SAFETY	
PROP. OPERATORS	14
BUSINESSES	4
STRUCTURAL	1
APPLICATION	
PROP. OPERATORS	20
BUSINESSES	36
LANDSCAPE/MAINT.	1
STRUCTURAL	
BRANCH 1	1
BRANCH 2	4
BRANCH 3	1
COMMODITY	2
FIELD FUM	2
FIELD WKR SAF	7
BUSINESS RECORDS	
PEST CONTROL	4
DEALER	3
ADVISER	10
WATER HOLD	200

Targeted surveillance activities will be carried out during the Rice Pesticide Program as in past years . In 2010,we conducted 271 waterhold inspections which met our goal of 200 inspections. The goal of 200 waterhold inspections will be the same for CY’s 2011 and 2012. There will be a special emphasis to conduct inspections during the rice season to assure that worker safety requirements are met and also environmental concerns with water quality..ie..Thiobencarb .

Targeted inspections will be used to most efficiently focus manpower on areas of the enforcement program to improve compliance within the county and also to allow AB's to use knowledge of areas inspected to protect the environment and human health hazards(schools, residential areas, daycares, businesses).

The Ag. Biologist III overseeing Pesticide Programs will completely review all inspection reports and activities of the enforcement personnel. If changes in our scheduling of AB's or pesticide work plan are needed to improve the quality of our plan this will be implemented. All non-compliances will be tracked and followed upon as required and will be reviewed by the AAC for any compliance or enforcement action..

Measure of Success

A good measure of a comprehensive pesticide inspection plan is the increase of compliance within the county so that the public and its property is protected . A decrease in non-compliances is an effective indicator of success. Striving to increase the effectiveness of our compliance activities by further refining targeted inspection plans may in the short term, increase the number of non-compliances identified. The completion of our goals in all areas of inspection will measure success. The degree and number of complaints will be taken into consideration as a measure of success.

Investigation Response and Reporting

Complaint/Investigation Log

All complaints or incidents received are documented on a complaint form either by clerical staff , AB's or by the AAC and will receive a response immediately to determine severity and that all information needed is given.

An AB is assigned each case and reports directly to the AAC .

Colusa County will assure the use of a Complaint/Investigation Log and make certain that it contains the following information: Date, tracking number or file name, name of the pesticide involved in the episode, location and type of the episode, FAC and/or 3CCR violations found and the date the case was closed.

Investigation Tracking System

The AAC and Pesticide Supervisor will oversee the Investigation Tracking System. The timely initiation and completion of all investigations, priority or non-priority will be assured and all DPR Policies and Guidelines will be utilized.

: 2010 Year had 4 illness investigations –. They were completed on time.

All Priority Episodes Investigations will be conducted with the AAC having the lead. There was 1 priority investigations in 09/10 that was completed with assistance from CDPR. There were 4 agricultural civil penalties issued from these investigations.

Priority investigations need to be initiated within 2 days of receiving notification. Priority investigations need to have a preliminary update to DPR within 15 days of receipt by CCDA.

DPR/CACASA/EPA Cooperative Agreement

Extensions can be obtained based on the following criteria:

1. Injured person is unavailable
2. Sample lab analysis may take longer
3. Delay in obtaining medical information

Pending enforcement action should not delay submission of investigative report

Investigation report and supporting documents goes to Enforcement

Branch regional office

Non-priority Human Effects Episodes

Investigation report goes to Worker Health and Safety.

Complaints:

In 2010 there were 8 complaints logged. These included 6 environmental effects complaints /drifts resulting in 6 Ag. Civil Penalties issued. If it is a Department of Industrial Relations(DIR) referral, investigation report goes to DIR.

Investigation reports are sent to DPR regional office . Records requests submitted on request form for allowable information to be given out.

Strengths

With a small staff, the AAC is aware of and oversees all investigations to advise and cooperate with the AB's to assure a complete and thorough investigation. With the Ag. Biologist III's being experienced , there is increased awareness of local conditions and have a keener investigative quality about the biologists resulting in more thorough investigations.

There is a positive working relationship with the District Attorney for Colusa County when the need arises for feedback or for referral of a case to him for consideration for action.

Weaknesses

Keeping the AB's on task to complete the investigation timely during the busy months of pesticide use in the county sometimes results in slower investigations than needed. Assistant will keep a schedule with dates of when investigations were received in the office to assure timely completion.

The lack of a bilingual person in the office slows down investigations when they are needed to conduct the investigation. We will arrange with the Williams Migrant Office in the county every year to arrange for their bilingual assistance.

Goals and Objectives

To assure all of the priority and non-priority investigations are completed according to DPR Policy and Guidelines and that they are on time, accurate, identify violations and contain recommendations and justifications for any enforcement actions if taken or not.

Deliverables

1: Timely episode investigation initiation and completion within time limits set by CDPR. There are 5 Ag. Biologist III 's and the AAC that perform investigations and have training from DPR and are experienced, both in the field and office. A rotation of AB's within the dept. conducting investigations is used .

2: AAC is responsible to review all investigations for completeness and accuracy and approves them for submittal to DPR. Every 3 years our program is formally evaluated by our EBL and deficiencies are discussed and corrected.

Measure of Success

The AAC will assure the timely(within 120 days for nonpriorities and 60 days for priorities) completion and submission of all investigations and complaints..

C. Enforcement Response

Enforcement Response Evaluation

Prevention and prompt investigation of pesticide use or misuse incidents.

Prompt response to all incidents when there is a possibility laws and regulations have been violated.

There are 5 Ag. Biologist III's and the AAC that investigate incidents and put together both compliance and enforcement actions .

All non-compliances, investigations and enforcement actions are reviewed by the AAC for accuracy, completeness and timeliness. The issuance of any compliance or enforcement action are completed and mailed out to the party by certified mail to assure receipt , signature and future compliance accountability.

A Pesticide Enforcement Compliance Action Summary is prepared for every Ag Civil penalty that is taken.

All actions are emailed to the Enforcement Branch Liaison upon completion. Most noncompliances are worker safety in nature ie. the lack of PPE , decontamination station and training of the employees.

Each week the biologists and the AAC have a staff meeting to discuss recent non-compliances issued and to communicate any problems and solutions to others for training purposes.

Appropriate application of enforcement responses in relation to penalties for violations with an increasing level of enforcement action for recurrent violations or recalcitrant violators. The fine guidelines and hearing procedural guidelines will be followed and our DPR liaison will review most of the enforcement actions taken.

If the action or fine deviates from the guidelines a Decision Report for justification is written up and sent with the Ag Civil Penalty .

All actions are reviewed and signed by the Agricultural Commissioner.

Strengths

Since our county is small it is easier to keep track of the enforcement actions and its effect on the party to whom they are issued . Follow-up of the actions and reinspections are easily done and kept track of to assure compliance.

In our office on a daily basis the Pesticide Enforcement Supervisor and the AAC are in contact with all licensed staff to stay informed, give advice and updates on any pertinent issues that need attention.

Most of our biologists have many years of experience in the field and are very knowledgeable of the county's various crops and pesticide uses.

Weaknesses

When the busy rice season hits, we do not have sufficient staff to cover all of the county's enforcement needs. The office is so busy and short on certified staff, it is difficult to keep on a tight schedule to take actions on non-compliances , especially minor ones, as soon as we should.

Areas Needing Improvement

The need to follow-up on violations in a timely manner to assure growers are aware of the seriousness of the violation .

The need to organize all of the inspections completed by the biologists and for the AAC to maintain a log of all noncompliances and violations for future enforcement or compliance actions if needed.

Goals and Objectives

The goal of Colusa County's enforcement response plan is to improve and protect the public health and property, pesticide worker safety and the environment of the County of Colusa and to do these tasks in a timely and effective manner. All actions taken will be in agreement with the DPR's Enforcement Response Regulations.

Deliverables

- 1: The use of all enforcement tools to correct violations that have occurred
- 2: Scheduling of staff meetings each week to review actions that are being taken.
- 3: Use of the Citable Sections as a resource for guidance
- 4: Prompt and appropriate responses to potential violations and processing of those cases.
- 5: Application of Enforcement Guidelines set forth by DPR
- 6: Assuring the use of Environmental Justice parameters when applying corrective action and keeping a transparent program.

Measure of Success

The success of the county's enforcement response program is best done by looking at the level of compliance for the various business's that are regulated. Tracking and following up of non-compliant operators and businesses and seeing corrective action with sustainable compliance in those areas will show successes. Lower numbers of noncompliances and actions needed will indicate a successful program. .